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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN KAKOWSKI,
Plaintiff,

v.

SHERIFF FURLONG et al.,
Defendants.

3:14-cv-301-MMD-VPC
ORDER

I. DISCUSSION

On July 31, 2014, this Court issued a screening order¹ dismissing Counts II and III in their entirety with leave to file a habeas corpus petition on those counts. (ECF No. 10 at 8). This Court also dismissed Count I in part and permitted Count I to proceed in part. (*Id.*). Specifically, the Court dismissed the portion of Count I alleging deliberate indifference with leave to amend and permitted the portion of Count I alleging excessive force to proceed against Defendants Stagliano and Palamar. (*Id.*). The Court directed Plaintiff to file an amended complaint within 30 days of the date of that order to cure the deficiencies of his deliberate indifference claim. (*Id.* at 9). This Court stated that, if Plaintiff chose not to file an amended complaint, this action would proceed on the excessive force claim only. (*Id.*). The thirty days has now expired and Plaintiff has not filed an amended complaint. This action shall now proceed on Count I's excessive force claim against Defendants Stagliano and Palamar only.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Count I, alleging excessive force, shall

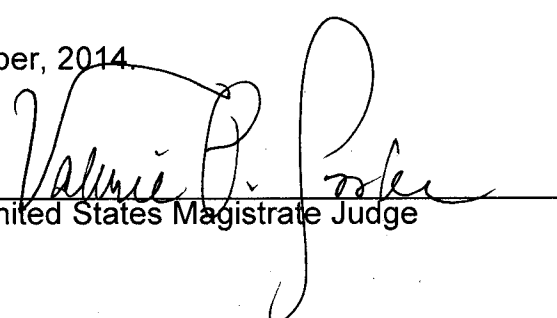
¹ This Court granted Plaintiff's application to proceed *in forma pauperis* in its screening order. (See ECF No. 10 at 7-8).

1 proceed against Defendants Stagliano and Palamar.

2 IT IS FURTHER ORDERED that the Clerk of Court **SHALL ISSUE** summons for
3 Defendants Stagliano and Palamar, **AND DELIVER THE SAME**, along with the complaint
4 (ECF No. 11), to the U.S. Marshal for service. The Clerk also **SHALL SEND** to Plaintiff **two**
5 **(2)** USM-285 forms, one copy of the complaint and a copy of this order. Plaintiff shall have
6 **thirty (30) days** within which to furnish to the U.S. Marshal the required USM-285 forms with
7 relevant information as to each Defendant on each form. Within **twenty (20) days** after
8 receiving from the U.S. Marshal a copy of the USM-285 forms showing whether service has
9 been accomplished, Plaintiff must file a notice with the Court identifying which Defendants
10 were served and which were not served, if any. If Plaintiff wishes to have service again
11 attempted on an unserved Defendant(s), then a motion must be filed with the Court identifying
12 the unserved Defendant(s) and specifying a more detailed name and/or address for said
13 Defendant(s), or whether some other manner of service should be attempted.

14 IT IS FURTHER ORDERED that henceforth, Plaintiff shall serve upon Defendants or,
15 if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
16 motion or other document submitted for consideration by the Court. Plaintiff shall include with
17 the original paper submitted for filing a certificate stating the date that a true and correct copy
18 of the document was mailed to the Defendants or counsel for the Defendants. The Court may
19 disregard any paper received by a district judge or magistrate judge which has not been filed
20 with the clerk, and any paper received by a district judge, magistrate judge or the clerk which
21 fails to include a certificate of service.

22
23 DATED: This 2nd day of September, 2014.

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26 United States Magistrate Judge
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